

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DANIEL MILLER,	*	C.A. No. 06-534-MPT
	*	
Plaintiff,	*	
	*	
V.	*	
	*	
ARAMARK HEALTHCARE SUPPORT	*	
SERVICES, INC., ARAMARK CLINICAL	*	
TECHNOLOGY SERVICES, INC., and	*	
ARAMARK MANAGEMENT SERVICES	*	
LIMITED PARTNERSHIP,	*	
	*	
Defendants.	*	

STATE OF DELAWARE	*
	*
COUNTY OF KENT	*

AFFIDAVIT OF TED LEHMANN

COMES NOW, Ted Lehmann, who being of sound mind, doth depose and say as follows:

1. I was employed by Defendant Aramark from approximately July 3, 2000, until April 13, 2007. My employment with Defendant in the State of Delaware began in approximately 2002.

2. During the period of my employment with Defendant Aramark, I had extensive opportunity to work with Plaintiff Daniel Miller. In addition, during the latter period of my employment with Defendant Aramark, i.e., from July 2004 until the end of my employment, my immediate supervisor was Jonathan Hill.

3. I was employed by Defendant Aramark as a radiology engineer in connection with Defendant Aramark's contractual arrangement with Bayhealth Medical System.

4. During the period that I worked with Mr. Miller, I never heard a single complaint by staff of Bayhealth regarding Mr. Miller's performance. In fact, I heard many compliments about Mr. Miller by staff of Bayhealth.

5. Mr. Miller was an excellent employee.

6. Upon his arrival at Bayhealth in 2004, Mr. Hill felt threatened by Mr. Miller, as Mr. Miller was more knowledgeable than Mr. Hill.

7. Mr. Hill's unfair treatment of Mr. Miller began immediately after Mr. Hill's arrival at Bayhealth in the summer of 2004, but Mr. Hill's unfair treatment of Mr. Miller markedly increased following Mr. Miller's return from medical leave in late 2004 and early 2005.

8. Mr. Hill treated Mr. Miller unfairly for two primary reasons: Mr. Miller's age and his inability to function fully immediately after his return from medical leave.

9. Mr. Miller was one of the oldest employees of Defendant at Bayhealth.

10. After Mr. Miller's return from medical leave, Mr. Hill treated Mr. Miller unfairly by running him all over the hospital and assigning tasks to him that other employees could have performed.

11. Mr. Miller's performance was superior to that of John Ritterhoff. One of Mr. Ritterhoff's shortcomings was that he would start on too many jobs at one time. In addition, Mr. Ritterhoff had an extremely messy and disorganized work area. Mr. Ritterhoff was counseled concerning his work area but never

received substantive discipline when the problem remained uncorrected. Mr. Ritterhoff continued to have a messy and disorganized work area until at least the date that my employment ended in April 2007.

12. I believe that Mr. Hill targeted Mr. Miller between the time that Mr. Miller returned from his medical leave and the time of Mr. Miller's termination.

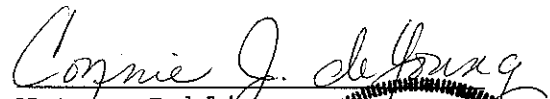
13. During the period that Mr. Hill was supervising Mr. Miller, documentation, and specifically incomplete paperwork, was a problem throughout the Department, i.e., employees throughout the Department were submitting incomplete paperwork. Therefore, any discipline of Mr. Miller by Mr. Hill regarding this issue represented an unfair targeting of Mr. Miller by Mr. Hill.

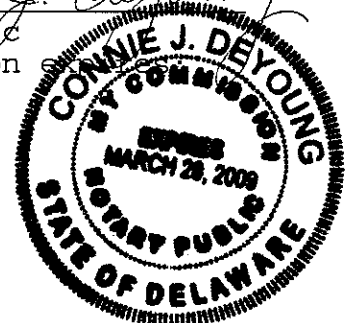
14. I am aware that, during the period of Mr. Miller's employment by Defendant Aramark, there was no need for an employee to obtain prior approval for paid time off.

FURTHER, AFFIANT SAITH NOT.


TED LEHMANN

SWORN TO AND SUBSCRIBED before me this 15th day of October, 2007.


Notary Public
My commission expires



CERTIFICATE OF SERVICE

I hereby certify that I have caused copies of the following:

AFFIDAVIT OF TED LEHMANN


to be served upon:

Michael P. Kelly, Esq.
Christopher A. Selzer, Esq.
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by e-filing copies to them at the address listed above, on
October 22, 2007.

SCHMITTINGER & RODRIGUEZ, P.A.

BY:



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DATED: 10-22-07
/ljo